

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

JERRY WAYNE EAVERS,

*Plaintiff,*

v.

MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL  
SECURITY,

*Defendant.*

CIVIL ACTION NO. 3:09-cv-00066

ORDER

JUDGE NORMAN K. MOON

On May 5, 2010, United States Magistrate Judge B. Waugh Crigler submitted a report and recommendation that I dismiss this action for failure to prosecute. After the lapse of the objection period, with no response from the *pro se* plaintiff, I determined that the plaintiff might not have received adequate notice that the case was to be dismissed for failure to prosecute. Out of an abundance of caution, I entered an order on May 20, 2010, taking the magistrate judge's recommendation under advisement and providing the *pro se* plaintiff thirty (30) days within which to file a brief or other response. Plaintiff has not filed any response. Accordingly, I hereby ADOPT the report and recommendation (docket no. 11) filed on May 5, 2010, this case is DISMISSED for failure to prosecute, and the action is STRICKEN from the court's active docket.

The Clerk is directed to send a certified copy of this order to the following: the *pro se* plaintiff, Jerry Wayne Eavers; all counsel of record; and to United States Magistrate Judge B. Waugh Crigler.

It is so ORDERED.

ENTER: This 24th day of June, 2010.

  
NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE